

Appl. No. 09/812,417  
Amdt. Dated 12/24/2003  
Reply to Office Action of 09/25/2003

### **REMARKS/ARGUMENTS**

This Amendment is in response to the Office Action mailed 09/25/2003. In the Office Action, claims 1-28 were rejected under 35 U.S.C. § 102(b). Reconsideration in light of the amendments and remarks made herein is respectfully requested.

Claims 1-28 remain in this application.

#### ***Rejection Under 35 U.S.C. § 102***

2. Claims 1-28 were rejected under 35 U.S.C. § 102(b) as being anticipated by Davis et al. (U.S. Patent No. 5,822,123) (hereinafter "Davis"). Applicants respectfully traverse the rejection and contend that the Examiner has not met the burden of establishing a prima facie case of anticipation.

As the Examiner is aware, to anticipate a claim, the reference must teach every element of a the claim. "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." Vergegaal Bros. v. Union Oil Co. of California, 814 F.2d 628, 631, 2 USPQ 2d 1051, 1053 (Fed. Cir. 1987). "The identical invention must be shown in as complete detail as is contained in the...claim." Richardson v. Suzuki Motor Co., 868 F.2d 1226, 1236, 9 USPQ 2d 1913, 1920 (Fed. Cir. 1989).

Davis discloses an electronic television program guide schedule system and method with pop-up hints. The system displays future program schedule information for a particular channel previously selected (Davis, col. 16, lines 10-12). When viewing program schedule information for a future time, the displayed time is highlighted, as well as the channel number and service indicator (Davis, col. 16, lines 25-28). The highlighted information reminds the user that he or she is viewing program schedule information for a future time (Davis, col. 16, lines 29-30). In menu mode, a logo icon appears in a window directly above a date/time identifier (Davis, col. 18, lines 25-28).

Davis does not disclose, either explicitly or inherently (1) future program actions for selected future programs, (2) at least one future program action being selected by the user; (3) display the future program information with an indicator indicating the selected future program action. These limitations are set forth within claims 1 (lines 5-6; 9-11); claim 9 (lines 6-7; 10-11), claim 17 (lines 4-5; lines 5-10); and claim 23 (lines 4-7). Instead, the highlighted information of Davis merely reminds the user that he is viewing the program schedule information for a future time (Davis, col. 16, lines 29-30). The highlighted information does not indicate a future program action. A viewing reminder is not a future program action which acts upon a future program.

Furthermore, the Office Action further contends that the logo icon acts as an indicator (Office Action, page 3). This allegedly teaches the limitation of an indicator indicating the selected future program action set forth in claims 1, 9, 17 and 23. Applicant respectfully disagrees. As shown in Figure 18, the logo icon merely shows the logo "TV Guide". It does not indicate a future program action.

Appl. No. 09/812,417  
Amdt. Dated 12/24/2003  
Reply to Office Action of 09/25/2003

Accordingly, applicant respectfully requests that the Examiner withdraw the rejection of claims 1-28 under 35 U.S.C. § 102(b).

***Conclusion***

Applicants respectfully request that a timely Notice of Allowance be issued in this case.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP

Dated: 12/24/2003

By

  
William W. Schaal

Reg. No. 39,018

Tel.: (714) 557-3800 (Pacific Coast)